

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,

Defendant.

Civil Action No. 41-1395 (WCC)

In the matter of the Application for the
Determination of Reasonable License Fees for
Performances via Wireless Transmissions and
Internet Transmissions by

AT&T WIRELESS f/k/a CINGULAR WIRELESS

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and among The American Society of Composers, Authors and Publishers ("ASCAP") and AT&T Mobility LLC ("AT&T")¹ (collectively, the "Parties") that:

1. AT&T shall provide ASCAP with written responses and objections to ASCAP's First Set of Document Requests and First Set of Interrogatories ("ASCAP's Discovery Requests") on or before **June 20, 2008**;

2. Subject to AT&T's objections to ASCAP's Discovery Requests, AT&T shall commence production of materials responsive to ASCAP's First Set of Document Requests on or before **July 11, 2008**, with any remaining responsive documents to be produced on a rolling basis as soon thereafter as is practicable;

¹ AT&T has advised ASCAP that the party seeking a license is AT&T Mobility LLC rather than AT&T Wireless f/k/a Cingular Wireless.

3. ASCAP shall provide AT&T with written responses and objections to AT&T's First Request to ASCAP for Production of Documents ("AT&T's Document Requests") on or before **July 1, 2008**;

4. Subject to ASCAP's objections to AT&T's Document Requests, ASCAP shall commence production of materials responsive to AT&T's Document Requests on or before **July 20, 2008** with any remaining responsive documents to be produced on a rolling basis as soon thereafter as is practicable; and

5. AT&T agrees that it will not challenge, and waives its right to challenge, the method or propriety of service upon AT&T of:

- (a) ASCAP's Application for Determination of Reasonable License Fees for Performances via Wireless and Internet Transmissions by AT&T Wireless f/k/a Cingular Wireless;
- (b) ASCAP's First Request to AT&T Wireless f/k/a Cingular Wireless for Production of Documents (Nos. 1-12); and
- (c) ASCAP's First Set of Interrogatories to AT&T Wireless f/k/a Cingular Wireless (Nos. 1-9).

Nothing in this Stipulation and Order shall prevent either Party from asking the Court to set additional dates or otherwise modify this Stipulation and Order.

Dated: New York, New York
June 19, 2008

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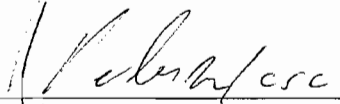
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-and-

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Attorneys for AT&T Mobility LLC

SO ORDERED.

Dated: White Plains, New York
✓ June 23, 2008


Sr. United States District Judge